

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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|                                       |   |                                       |
|---------------------------------------|---|---------------------------------------|
| <b>UNITED STATES OF AMERICA,</b>      | ) |                                       |
|                                       | ) |                                       |
| <b>Plaintiff,</b>                     | ) |                                       |
|                                       | ) |                                       |
| <b>v.</b>                             | ) | <b>Criminal No. 2:23-cr-20191-MSN</b> |
|                                       | ) |                                       |
|                                       | ) |                                       |
| <b>TADARRIUS BEAN, <i>et al.</i>,</b> | ) |                                       |
|                                       | ) |                                       |
| <b>Defendants.</b>                    | ) |                                       |

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**GOVERNMENT'S POSITION ON OFFENSES THAT MAY BE TRIED IN A RETRIAL**

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On August 28, 2025, the Court directed the parties to submit “their positions on what is to be tried” in a new trial in this matter. (ECF No. 919 at 11). Following the guilty verdicts at trial in 2024, defendant Demetrius Haley currently faces four counts from the original indictment. Count One charges defendant Haley with a violation of 18 U.S.C. § 242 for using excessive force resulting in bodily injury. Count Two charges defendant Haley with a violation of 18 U.S.C. § 242 for deliberate indifference resulting in bodily injury. Count Three charges defendant Haley with conspiracy to witness tamper in violation of 18 U.S.C. § 1512(k) and Count Four charges him with obstruction of justice in violation of 18 U.S.C. § 1512(b)(3). From the original indictment, defendants Tadarrius Bean and Justin Smith face Count Four, which charges both defendants with obstruction of justice in violation of section 1512(b)(3). It appears that the defendants do not dispute that these charges may be presented to a jury at a new trial.

The government notes that evidence presented at the trial in 2024 identified other acts of misconduct by the defendants that do not implicate double jeopardy concerns.

Finally, the government notes that 18 U.S.C. § 3731 provides for an appeal from an order granting a new trial after a verdict. The appeal in all such cases shall be taken within thirty days after the Court's order. *Id.*

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Forrest Christian, hereby certify that on the date below, I electronically filed the foregoing with the Clerk of Court for the Western District of Tennessee via the Electronic File System which sent notification of said filing to defense counsel.

s/Forrest Christian  
FORREST CHRISTIAN  
September 15, 2025